

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELEVATION HEALTH, LLC,

Plaintiff,

-v-

SUN GROUP PARTNERS, LLC,

Defendant.

22 Civ. 10155 (PAE)

ORDER OF DEFAULT
JUDGMENT

PAUL A. ENGELMAYER, District Judge:

On November 30, 2022, plaintiff Elevation Health, LLC (“Elevation Health”) filed the complaint in this diversity action for breach of contract. Dkt. 1. On February 14, 2023, plaintiff filed an affidavit of service as to defendant Sun Group Partners, LLC (“Sun Group”). Dkt. 6. After Sun Group failed to appear, respond, or take any other action in this case, Elevation Health filed a proposed clerk’s certificate of default on March 14, 2023. Dkt. 7. However, upon review this Court found that service of process on Sun Group appeared insufficient under Federal Rule of Civil Procedure 4(e) and Florida state law (where service was made), and ordered Elevation Health to file proof of service consistent with applicable law. Dkt. 9. Elevation Health did so on March 27, 2023. *See* Dkts. 10–12. Thereafter, with this Court satisfied that Sun Group had been properly served, Elevation Health obtained a Clerk’s Certificate of Default as to Sun Group on June 1, 2023. *See* Dkts. 14, 15.


Pursuant to this Court’s Individual Rules of Practice, on June 5, 2023, plaintiff filed a motion for default judgment, a memorandum of law in support of the motion, a supporting declaration, and a proposed default judgment. Dkts. 16–19. On June 29, 2023, this Court issued an order to show cause ordering defendant to appear and oppose the motion for default judgment

by July 20, 2023. Dkt. 20. On June 30, 2023, plaintiff served defendant, by priority mail, plaintiff's motion for a default judgment and supporting documents and the Court's order to show cause. Dkt. 21. The defendant has not since filed an appearance or any opposition to plaintiff's motion for a default judgment.

The Court has reviewed plaintiff's motion for a default judgment pursuant to Federal Rule of Civil Procedure 55(b), Dkt. 16, and plaintiff's supporting affidavit, Dkt. 17. Because proof of service has been filed, the defendant has not answered the complaint, the time for answering the complaint has expired, and the defendant failed to appear to contest entry of a default judgment, the Court enters default judgment for plaintiff against the defendant.

The Court, by separate order, will commission an inquest into damages.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: October 24, 2023
New York, New York